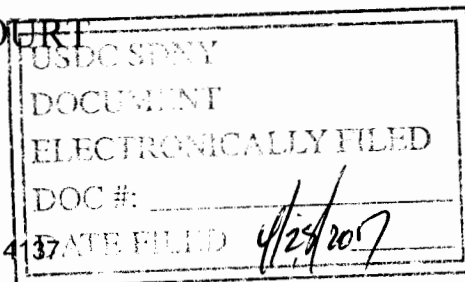


AO 133 (Rev. 12/09) Bill of Costs

UNITED STATES DISTRICT COURT

for the
Southern District of New York

Adrea, LLC)
)
v.)
Barnes & Noble, Inc., Barnesandnoble.com)
LLC, and Nook Media LLC)

Case No.: 13 Civ. 4137

BILL OF COSTS

Judgment having been entered in the above entitled action on 01/12/2017 against Defendants,
the Clerk is requested to tax the following as costs:

Fees of the Clerk \$ 1,400.00 ✓

Fees for service of summons and subpoena 592.40 ✓

20,118.24 Plus Deleted From Deposition See Receipts.
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case 24,63.75 ~~89,646.14~~

Fees and disbursements for printing 0

Fees for witnesses (itemize on page two) *CAN NOT BE DELETED SEE RECEIPT* 15,920.74 ✓

Fees for exemplification and the costs of making copies of any materials where the copies are
necessarily obtained for use in the case. *See Receipts.* 385.44 ~~2,856.43~~

Docket fees under 28 U.S.C. 1923 0

Costs as shown on Mandate of Court of Appeals 0

Compensation of court-appointed experts 0

Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 0

Other costs (please itemize) 0

NO LONGER SUBMITTED, OBJECTIONS FILED AND TAKEN INTO CONSIDERATION
TOTAL \$ 110,415.71

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

827,041.59

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: /s/ Colin G. Cabral

Name of Attorney: Colin G. Cabral

For: Adrea, LLC

Name of Claiming Party

Date: 4/5/2017

Taxation of Costs

Costs are taxed in the amount of \$ 27,041.59 and included in the judgment.

RUBY J. KRAJCH
Clerk of Court

By: *[Signature]*

Deputy Clerk

4/28/2017
Date

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

80

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
"Sec. 1924. Verification of bill of costs."
"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:
"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:
RULE 54(d)(1)
Costs Other than Attorneys' Fees.
Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6
(d) Additional Time After Certain Kinds of Service.
When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)
Cost or Fee Awards:
Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

Adrea, LLC v. Barnes & Noble, Inc. et al
13-cv-4137 (JSR)

ITEMIZATION OF TAXABLE COSTS

EXHIBIT A. FEES OF THE COURT REPORTER FOR ALL OR ANY PART OF THE TRIAL TRANSCRIPTS NECESSARILY OBTAINED FOR USE IN THE CASE (taxable pursuant to Local Rule 54.1(c)(1))		
	Fees paid to Southern District Court Reporters, Inc. for the cost of original trial transcripts necessarily obtained for use in this case.	\$20,118.24
	Subtotal	\$20,118.24
<i>800ms TO BE FOR CONVENIENCE OF COUNSEL</i>		
EXHIBIT B. FEES OF THE COURT REPORTER FOR ALL OR ANY PART OF THE DEPOSITION TRANSCRIPTS NECESSARILY OBTAINED FOR USE IN THE CASE (taxable pursuant to Local Rule 54.1(c)(2))		
10/25/2013	Fees paid to TSG Reporting for deposition transcript of Shawn Ambwani. The transcript was used and relied upon by the parties in summary judgment briefing.	\$2,605.30 \$1,001.00
01/17/2014	Fees to TSG Reporting for deposition transcript of Brian Berg. The transcript was used and relied upon in Adrea's summary judgment briefing, and excerpts were attached as an exhibit to the Declaration of Micah Miller in Support of Plaintiff's Motion for Summary Judgment.	\$5,128.65 \$1,130.25
11/05/2013	Fees to TSG Reporting for deposition transcript of John Hendricks. The transcript was used and relied upon by the parties in summary judgment briefing.	\$2,902.55 \$1,030.25
12/08/2013	Fees to TSG Reporting for deposition transcript of Bahrath Kalyan. The transcript was used and relied upon by the parties in summary judgment briefing.	\$1,294.05 \$549.00
12/09/2013	Fees to TSG Reporting for deposition transcript of Susan Lally. The transcript was used and relied upon in Adrea's summary judgment briefing, and excerpts were attached as an exhibit to the Declaration of Micah Miller in Support of Plaintiff's Motion for Summary Judgment.	\$1,296.55 \$272.25
10/23/2013	Fees to TSG Reporting for deposition transcript of Jeffrey McDow. The transcript was used and relied upon by the parties in summary judgment briefing.	\$2,545.00 \$783.25

10/14/2013	Fees to TSG Reporting for deposition transcript of Deepak Mulchandani. The transcript was used and relied upon by the parties in summary judgment briefing.	\$5,938.05 \$1,445.40
11/08/2013	Fees to TSG Reporting for deposition transcript of Sudeep Narain. Excerpts of this deposition were read into the record at trial through designation.	\$4,136.25 \$881.10
01/23/2014	Fees to TSG Reporting for deposition transcript of B. Clifford Neuman. The transcript was used and relied upon in Adrea's summary judgment briefing, and excerpts were attached as an exhibit to the Declaration of Micah Miller in Support of Plaintiff's Motion for Summary Judgment.	\$5,444.50 \$1,488.55
01/24/2014	Fees to TSG Reporting for deposition transcript of B. Clifford Neuman. The transcript was used and relied upon in Adrea's summary judgment briefing, and excerpts were attached as an exhibit to the Declaration of Micah Miller in Support of Plaintiff's Motion for Summary Judgment.	\$3,576.30 \$871.20
10/24/2013	Fees to TSG Reporting for the deposition transcript of William Rainey. Excerpts of this deposition were read into the record at trial through designation.	\$1,191.30 \$347.75
10/22/2013	Fees to TSG Reporting for the deposition transcript of Talal Shamoon. Excerpts of this deposition were read into the record at trial through designation.	\$3,691.60 \$1,365.50
10/08/2013	Fees to TSG Reporting for the deposition transcript of Yevgeniy Shteyn. Excerpts of this deposition were read into the record at trial through designation.	\$1,360.50 \$383.50
01/21/2014	Fees to TSG Reporting for the deposition transcript of Xin Wang. The transcript was used and relied upon in Adrea's summary judgment briefing, and excerpts were attached as an exhibit to the Declaration of Micah Miller in Support of Plaintiff's Motion for Summary Judgment.	\$3,420.15 \$1,166.75
09/26/2013	Fees to TSG Reporting for the deposition transcript of James Hilt. Excerpts of this deposition were read into the record at trial through designation.	\$3,062.85 \$968.50
05/10/2016	Fees to TSG Reporting for the deposition transcript of expert witness David Yurkerwich, which was used by the parties at trial.	\$5,862.80 ✓
01/17/2014	Fees to TSG Reporting for the deposition transcript of expert witness Ned Barnes, which was used by the parties at trial.	\$4,744.95 \$1,401.50
05/12/2016	Fees to TSG Reporting for the deposition transcript of expert witness Ned Barnes, which was used by the parties at trial.	\$2,839.50 \$1,282.50
10/25/2013	Fees to TSG Reporting for the deposition transcript of Mr. Richard Nagle, which was received into evidence at trial.	\$3,454.75 \$945.00
01/10/2014	Fees to TSG Reporting for the deposition transcript of expert witness Stephen P. Magee, which was used by the parties at trial	\$3,631.60 \$1,122.75

11/27/2013	Fees to TSG Reporting for the deposition transcript of James Rosenstock. Excerpts of this deposition were read into the record at trial through designation.	\$1,400.70 \$359.45
Subtotal		\$69,527.90 \$24,463.75
EXHIBIT C. WITNESS FEES (taxable pursuant to Local Rule 54.1(c)(3))		
Witness Name	Lodging/Subsistence	Flights
Stephen Magee	\$3,344.00	\$1,280.70
Brian Berg	\$2,736.00	\$2,652.94
Eugene Shteyn	\$1,216.00	--
Xin Wang	\$4,256.00	\$435.10
Subtotal		\$15,920.74 \$15,920.74
<i>See 2nd page of Bill of Costs</i>		
EXHIBIT D. FEES FOR EXEMPLIFICATION AND COPIES OF PAPERS NECESSARILY OBTAINED FOR USE IN THE CASE (taxable pursuant to Local Rule 54.1(c)(3))		
10/31/2014	Fees for copies of exhibits used and admitted into evidence in 2014 jury trial.	\$614.97
06/22/2016	Fees for copies of exhibits used and admitted into evidence in 2016 bench trial.	\$866.86
06/23/2016	Fees for copies of exhibits used and admitted into evidence in 2016 bench trial.	\$550.36
06/24/2016	Fees for copies of exhibits used and admitted into evidence in 2016 bench trial.	\$824.24
Subtotal		\$2,856.43
EXHIBIT E. FEES OF THE CLERK (taxable pursuant to Local Rule 54.1(c)(10))		
06/14/2013	Fees for commencement of action and filing of Complaint, pursuant to the Court's Fee Schedule in effect at that time. Payment is indicated on the docket in this action.	\$400.00 ALLOWABLE ✓

07/17/2013	U.S. District Court Fee for Admission <i>Pro Hac Vice</i> of Micah W. Miller (ECF No. 11) pursuant to the Court's Fee Schedule in effect at that time. Payment is indicated on the docket in this action. The Court granted the motion on July 9, 2013. (ECF No. 12.)	\$200.00
08/01/2013	U.S. District Court Fee for Admission <i>Pro Hac Vice</i> of Kimberly A. Mottley (ECF No. 19) pursuant to the Court's Fee Schedule in effect at that time. Payment is indicated on the docket in this action. The Court granted the motion on August 5, 2013. (ECF No. 21.)	\$200.00
08/19/2013	U.S. District Court Fee for Admission <i>Pro Hac Vice</i> of Erin Staab (ECF No. 27) pursuant to the Court's Fee Schedule in effect at that time. Payment is indicated on the docket in this action. The Court granted the motion on September 12, 2013. (ECF No. 32.)	\$200.00
09/03/2013	U.S. District Court Fee for Admission <i>Pro Hac Vice</i> of Patrick J. Niedermeier (ECF No. 28) pursuant to the Court's Fee Schedule in effect at that time. Payment is indicated on the docket in this action. The Court granted the motion on September 16, 2013. (ECF No. 33.)	\$200.00
10/24/2013	U.S. District Court Fee for Admission <i>Pro Hac Vice</i> of Brendan S. Cox (ECF No. 54) pursuant to the Court's Fee Schedule in effect at that time. Payment is indicated on the docket in this action. The Court granted the motion on October 24, 2013. (ECF No. 56.)	\$200.00
Subtotal		\$1,400.00 <i>allowable</i>
EXHIBIT F. FEES FOR SERVICE OF SUMMONS AND SUBPOENA (taxable pursuant to Local Rule 54.1(c)(10))		
06/17/2013	Fees paid to Preemptive Process Servers for attempted service of trial summons and complaint upon Barnes & Noble, Inc., as no one was authorized to accept service at location.	\$182.40
06/18/2013	Fees paid to Preemptive Process Servers for service of trial summons and complaint upon Barnes & Noble, Inc. via their registered agent, Capitol Services Inc.	\$210.00
06/18/2013	Fees paid to Preemptive Process Servers for service of trial summons and complaint upon barnesandnoble.com LLC and Nook Media LLC.	\$200.00
Subtotal		\$592.40
GRAND TOTAL OF TAXABLE CHARGES		\$110,415.71

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADREA, LLC,

Plaintiff,

v.

Civil Action No. 13-cv-4137 (JSR)

BARNES & NOBLE, INC.,
BARNESANDNOBLE.COM LLC, and
NOOK MEDIA LLC,

Defendants.

DECLARATION OF COLIN CABRAL IN SUPPORT OF
PLAINTIFF'S BILL OF COSTS

I, Colin Cabral, declare as follows:

1. I am an attorney at Proskauer Rose LLP and counsel for Plaintiff ADREA, LLC ("Adrea"). I am admitted to practice and in good standing in New York, California, and Massachusetts. I am also admitted to practice in the United States District Court for the Southern District of New York.

2. I submit this declaration in support of Plaintiff's Bill of Costs, which requests that the clerk tax \$110,415.71 in costs against Defendants Barnes & Noble, Inc., Barnesandnoble.com LLC, and Nook Media LLC (collectively, "B&N").

3. On October 27, 2014, after a jury trial, the jury returned a verdict finding infringement by B&N and no invalidity of claims 1, 2, 3, 13 and/or 15 of U.S. Patent No. 7,620,703 ("the '703 Patent"). See Dkt. No. 145.

4. On February 24, 2016, the Court denied B&N's motion for judgment as a matter of law seeking to overturn the jury's findings of infringement and validity of the '703 patent. *See* Dkt. No. 201.

5. The Court entered an Order and Final Judgment in favor of Adrea on January 12, 2017. *See* Dkt. No. 249.

6. On March 23, 2017, the Court entered an Amended Order and Final Judgment for Adrea and awarded supplemental damages. *See* Dkt. No. 262.

7. Attached as Exhibit A are true and correct copies of invoices for the cost of original trial transcripts necessarily obtained for use in court, taxable pursuant to L.R. 54.1(c)(1).

8. Attached as Exhibit B are true and correct copies of invoices for the costs of deposition transcripts used or received in evidence at trial, taxable pursuant to L.R. 54.1(c)(2).

9. Attached as Exhibit C are true and correct copies of invoices for witness fees and travel expenses, taxable pursuant to L.R. 54.1(c)(3).

10. Attached as Exhibit D are true and correct copies of invoices for the costs of copies of original exhibits used or received in evidence, taxable pursuant to L.R. 54.1(c)(5).

11. Attached as Exhibit E are true and correct copies of invoices for fees paid to the Clerk in this action, taxable pursuant to L.R. 54.1(c)(10).

12. Attached as Exhibit F are true and correct copies of invoices for process server fees, taxable pursuant to L.R. 54.1(c)(10).

13. The costs claimed herein are allowable by law, are correctly stated, and were necessarily incurred.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2017.

/s/ Colin Cabral
Colin Cabral

CERTIFICATE OF SERVICE

I certify that on April 5, 2017, I caused a copy of the foregoing document to be served upon counsel of record for Barnes & Noble, Inc., barnesandnoble.com llc, and Nook Media LLC via the Court's CM/ECF system.

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Susan Lee Shin
Maxwell Charles Preston
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New York, NY 10022-4690
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*Attorneys for Defendants Barnes & Noble, Inc.,
barnesandnoble.com llc, and Nook Media LLC*

/s/ Colin Cabral

EXHIBIT A

4/20/17
11 am

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ADREA, LLC,

Plaintiff,

v.

BARNES & NOBLE, INC.,
BARNESANDNOBLE.COM LLC, and
NOOK MEDIA LLC,

Defendants.

Civil Action No. 13-cv-4137 (JSR)

PLAINTIFF'S NOTICE OF TAXATION OF COSTS

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 54(d)(1) and Local Rule 54.1, Plaintiff Adrea, LLC ("Adrea"), as the prevailing party, hereby submits its Bill of Costs to be presented to the Clerk of Court for taxation in Room 200, Orders and Judgments, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, on Thursday, April 20, 2017 at 11:00 AM.

Dated: April 5, 2017

Respectfully submitted,

/s/ Colin Cabral

Steven M. Bauer

Brendan Cox (*pro hac vice*)

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Boston, Massachusetts 02110

(617) 526-9600 (telephone)

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bcox@proskauer.com

Colin Cabral

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(310) 557-2193 (facsimile)

ccabral@proskauer.com

Attorneys for Plaintiff ADREA, LLC

CERTIFICATE OF SERVICE

I certify that on April 5, 2017, I caused a copy of the foregoing document to be served upon counsel of record for Barnes & Noble, Inc., barnesandnoble.com llc, and Nook Media LLC via the Court's CM/ECF system.

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*Attorneys for Defendants Barnes & Noble, Inc.,
barnesandnoble.com llc, and Nook Media LLC*

/s/ Colin Cabral

Colin Cabral